

<p style="text-align: center;">Minutes of the Special Town Meeting March 28, 2012</p>

Moderator George Knittel opened the Special Town Meeting on Wednesday, March 28, 2012, at 7:00pm at the Ayer Shirley Middle School Auditorium, 1 Hospital Road, Shirley. Mike Detillion led the meeting in the Pledge of Allegiance. The Town Clerk had sworn the following people to serve as tellers: Mike Detillion, Alphee Levesque Jr., Joe Stanislaw, and James Thibault. Barbara Masiero and Marjorie Marcinkewicz checked voters into the meeting. 153 voters were present at 8:00 pm.

The Town Clerk confirmed for the Moderator that the warrant had been duly posted in accordance with state law and town bylaw. The Moderator asked members of the audience to obtain a copy of the warrant at the check-in area if they had not picked up a copy on their way in. He advised that the Town Meeting would be referring to information printed in warrant and sufficient copies were available for all attendees.

The moderator introduced two guests who were attending the meeting to speak about the proposed redevelopment of Vicksburg Square: George Ramirez, Executive Vice President of Devens Operations for Mass Development; and Dan Drazen, Project Manager for Trinity Financial, the company that developed the project. The moderator asked if anyone at the meeting objected to either of the gentlemen addressing the meeting. No one objected.

Article 1. Devens – Revisions to Devens Reuse Plan, Zoning Bylaws and Zoning Map – Redevelopment of Vicksburg Square

David Swain moved that the Town of Shirley vote to approve revisions to the Devens Reuse Plan, dated November 14, 1994, and to the Devens By-Laws, dated November 18, 1994, for the Devens Regional Enterprise Zone as described in the March 28, 2012, Special Town Meeting warrant. Andy Deveau seconded the motion.

A copy of the warrant is included following the minutes for reference.

The moderator asked Mr. Ramirez for the certification that the required public hearings were held. Mr. Ramirez read the following statement.

“In accordance with the requirements of Chapter 498 of the Acts of 1993, MassDevelopment, Ayer, Harvard and Shirley have held more than two public hearings in the Devens Region to receive public comment on the proposed amendments to the Reuse Plan and By-laws. Proper notice of these hearings was provided in a newspaper of general circulation in the Devens Region at least 14 days prior to the dates of the hearings. Within 30 days of the last public hearing on the proposed amendments to the Reuse Plan and the By-laws, copies of the proposed amendments were submitted to the Boards of Selectmen of each of the three towns. This town meeting, being held simultaneously with town meetings in Ayer and Harvard is convened within 90 days from the date the selectmen received the proposed amendments.”

Mr. Drazen made a short presentation about the project. He advised that Trinity Financial had been involved with the project for approximately 1 ½ years. As part of the process, they had held many public meetings to gather input about how people in the Devens Region would like to see Vicksburg Square redeveloped. A quick overview of what they heard was that 1.) people wanted

to honor the military history of the area and incorporate in the redevelopment plan a way to recognize those who have or do serve in the military; 2.) people wanted affordable housing for seniors so that seniors could “age in place” instead of moving to other communities.

He advised that the project incorporated the first request in two ways. First, applications by veterans and active military service members for the rental units would receive preference. Second, the former theatre building was targeted as a permanent home for the Devens Museum.

He advised that the project incorporated the second request by planning for Hale Hall to be redeveloped with 78 units of 55-and-older senior housing.

At one point during the presentation, when it had reached the 3-minute maximum time, as permitted by the Shirley Town Meeting Procedures, and the moderator advised Mr. Drazen that he would have one minute to wrap up. Enrico Cappucci of Holden Rd. made a point of order and requested that Mr. Drazen be given more time since the presentation was about the one article that we would be voting on. The moderator asked Mr. Drazen how much more time he would need. Mr. Drazen advised that he could finish up in 2 minutes, and the moderator permitted him the extra time he needed.

The proposal was for 246 units of rental apartments across four buildings. The units would be a mixture of 1-, 2- and 3-bedroom units. The project would take from 5 to 6 years to finish. Mr. Drazen explained that the changes being voted on were only applicable to the Vicksburg Square site, not other areas of Devens. The changes would allow for residential housing to be added as a permitted use for this site, along with the other currently permitted uses.

Following Mr. Drazen’s presentation, the moderator requested comments by the Finance Committee and Board of Selectmen.

The chair of the Finance Committee, Frank Kolarik, advised that the committee declined to support the proposal. The Finance Committee found no apparent direct benefit nor no direct negative impact on the Town of Shirley by the project. However, they were concerned that the residents of the additional housing units would exacerbate already stretched resources for infrastructure, such as education and public safety. They were also concerned that because the units were rentals, their availability would hinder the condominium and rental markets in Shirley when the economy begins to recover from the recession. Their recommendation was for a project of this magnitude to take place after the disposition of Devens has been completed.

The chair of the Board of Selectmen, David Swain, advised that the Board of Selectmen supported the proposal. He advised that the construction of the buildings and their interior posts made them unable to accommodate commercial development. As buildings listed on the National Register of Historic Places, they could not be torn down, as some had suggested during discussions about the project. The board believed that existing area businesses would benefit from the spending new residents would bring and hypothesized that the Ayer Shirley regional school district would welcome the opportunity to once again educate children from Devens.

At this point, the moderator opened debate of the proposal up to attendees in the audience.

Regional School Committee member Jim Quinty of Lancaster Rd. pointed out that the school committee did not view the potential to regain the Devens educational contract as a windfall for the district. He wished to state for the record that they had done no financial analysis on it and were neutral on the subject.

Paul Wilson of Chapel St expressed several concerns: the units were all rental instead of some being owner-occupied, therefore, residents would have no “skin in the game”; there was no provision that he could find in the project for hiring local workers; he was concerned that competition from the increase in rental units on Devens would devastate the rental market here, in Shirley, which was already suffering.

Jaqueline Esielionis of Oakes Landing, a real estate agent for 40 years, advised that there was, as of the date of the meeting, no glut of rental properties in Shirley or in Ayer. In Shirley, there were 3 rental units listed on the real estate MLS (Multiple Listing Service). In Ayer, there were 17 rental units listed. These numbers were low for an area of this size. She advised that people who come to work in this area first rent and then purchase a home, and that these units would be beneficial.

Enrico Cappucci of Holden Rd., the town’s appointed representative to the Joint Boards of Selectmen (JBOS), advised that the JBOS had voted 7 to 5 in favor of the project. He pointed out that we have good neighbors in MassDevelopment: We worked with them to get the land where the Middle School and Municipal Complex were built. Another project was in the works about developing the land next to these areas as part of the Village Growth area. Mr. Cappucci supported the Vicksburg Square proposal.

Bob Eramo of Hazen Rd. inquired how much more traffic would result from the new residences. He was neutral on the Vicksburg Square project, but questioned how much tax revenue we would receive from the Village Growth area and when we would actually realize the benefits of the revenues since the tax revenue would go to Devens until disposition were to happen.

Don Reed of Parker Rd., member of the Shirley Historical Commission and Shirley Center Historic District Commission advised that they Commission supported the project. They had met with Trinity Financial, and members of the commission were impressed with the thoughtful, thorough approach Trinity had taken to the redevelopment project. The proposal would benefit historic assets in this region. This new initiative took the Devens legacy to heart and made it a central part of its plan.

Mike Detillion of Little Turnpike, veterans’ officer for Shirley, voiced support for the project.

Elizabeth Heidi Ricci of Hill Lane, advised that she had been involved with and followed the redevelopment of Devens from the beginning. She agreed that MassDevelopment has been a good partner. She supported the redevelopment of the Vicksburg Square buildings for useful purposes and personally supported senior housing and workforce housing. She wondered how this project would affect the disposition of Devens in the end and if the Board of Selectmen had considered if or how the project would impact whether or not the town would receive back the land west of the Nashua River.

The moderator asked Mr. Ramirez if he would like to address the question. He referred the question to Mika Brewer, Executive Vice President of Real Estate Sales for MassDevelopment. Mr. Brewer advised that the project would bring economic value and jobs to the district. MassDevelopment had been successful in selling some of the vacant army buildings: 1 Jackson Place was a building that the army had not completed, and Mount Wachusett Community College purchased and now runs a large Biotechnology training program there. He advised that there was no question in his mind that the housing proposed for Vicksburg Square would serve as a catalyst for more industrial and commercial interest in Devens.

Kendra Dumont of Lawton Rd., member of the Board of Selectmen, advised that she had spoken with our State Senator, Jamie Eldridge, last Friday about pending legislation that would make Devens a town. He had advised her that the legislation had “gone to study” and was not anticipating that it would be voted on by the legislature any time in the near future.

Tenni Komar of Hazen Rd. asked what impact the project would have on her tax bill. She also suggested that we need a drug store and an expanded supermarket to service the seniors and other who would live there. She questioned whether residents of Vicksburg Square would truly be able to “ride their bikes” to the grocery store, and inquired who would pay for transportation of the elderly to stores.

Assessor Ron Marchetti of Oakes Landing, explained that the Economic Development Committee had been tasked by the Board of Selectmen and the Finance Committee to come up with a long range plan to increase taxable commercial property in town. They are doing that, and the Village Growth area is part of that plan. However, the Vicksburg Square project would have no direct effect on the taxes of the folks in Shirley.

George Ramirez, of MassDevelopment, advised that conversations had been held with the local Councils on Aging and the hotels on Devens as to long range plans for van/shuttle transportation services for the elderly in the Vicksburg Square complex.

Sylvia Shipton of Whitney Rd. expressed support for the project.

Mike Swanton of Daniel Drive, and member of the Finance Committee, pointed out that the Village Growth area belongs to Devens, and that the tax revenue would not go to Shirley. He recommended keeping the issue of Vicksburg Square separate from the issue of developing the Village Growth area.

Henry Hoecker of Center Rd. expressed support for the project.

Elizabeth Heidi Ricci spoke again suggesting that having more voters living in Devens would impact the vote on disposition and disagreed with Mr. Swanton that the two issues need to be looked at separately. She asked again if anyone has investigated how Shirley can arrange for the land that was ours to come back to us.

Selectmen David Swain was of the opinion that new residents in Vicksburg Square would not impact the disposition of Devens and suggested that Shirley may be interested in entering into separate negotiations with Mass Development regarding the land that was formerly Shirley’s.

John Oelfke of Groton Road, Council on Aging Director, advised that we should not assume that new residents in Devens would automatically favor Devens becoming a town of its own. A recent vote was taken by the residents of Devens, and the results were split: 52 in favor and 52 against Devens becoming at town. He pointed out that the housing is not inexpensive subsidized housing; rather it is reasonably priced and gives people a place to live so that they can work in the area.

Melissa Fetterhoff of Ayer Rd., and the Executive Director of the Nashoba Valley Chamber of Commerce, advised that the Chamber supported the project. The Chamber felt that it represented a huge opportunity to send a pro-business message to companies. Going ahead with the project

would let them know that we want them to locate here and that we want to offer good housing options for their employees.

Phil Draleau of Harvard Rd. expressed support for the Finance Committee's point of view. He was also concerned that some of the residents who would qualify for the housing may be out of work and was concerned that the project would fall into disrepair after 10 to 12 years or so.

Enrico Cappucci of Holden Road made a motion to move the question. Motion Seconded. Moderator advised that a 2/3 majority in favor of the motion would be needed.

Hand vote: Moderator declared a 2/3 majority in favor of moving the question.

Hand count on the main motion

105 in favor (71.9%)

41 opposed

146 people voted

Moderator declared the motion passed.

John Oelfke moved to dissolve the meeting. Motion seconded.

Voice vote: Moderator declared that there were more yeas than nays, and the motion passed.

The moderator declared the meeting dissolved at 8:17pm

Respectfully Submitted,

Amy R. McDougall
Shirley Town Clerk